

REMARKS/ARGUMENTS

Claims 1, 2, 4-9, 11-18, 20-29 and 36-43 are active in the case.

Claim 1 has been amended to remove "consisting essentially of" and to add "comprising". Claims 1 and 8 have been amended to delete "hydrolyzable chlorine" and to add "epichlorohydrin" in its place. Claim 17 has been amended to add "an aqueous" before "reaction solution", to delete the phrase "by coating a film of said reaction solution on a substrate and heating" in step (B) and to add at the end of step (B) the phrase "wherein said solvent is acetonitrile, toluene, dioxane or dimethylformamide". Claims 30-35 have been canceled and rewritten as new Claims 37-43 so that the removing step is positively recited as being carried out by coating a film of said reaction solution on a substrate and heating. Basis for the limitation "a remaining epichlorohydrin content of at most 100 ppm" may be found on page 8, lines 9-15; page 18, lines 19-20; page 27, lines 2-4 and the examples in the specification. No new matter has been added into the amended claims or new claims.

The rejection of Claims 1, 2, 4-9 and 11-35 under 35 U.S.C. §103(a) as unpatentable over Ikeda et al in view of Tsukamoto et al is traversed.

With the amendment to Claims 1, 8 and 17 it is now clear that the material remaining in the crystals after step (D) of the present claims is epichlorohydrin having a content of at most 100 ppm, which is not taught nor suggested in Ikeda et al which shows the remaining epichlorohydrin content in the crystals produced in the process of Ikeda et al of only as low as 130 ppm. Therefore, the claims distinguish from Ikeda et al by this limitation.

Further, Ikeda et al show in step (A) the use of epichlorohydrin as a reaction substrate and a reaction solvent to produce a reaction solution. In step (B) epichlorohydrin is removed and the reaction solution is kept at an appropriate temperature until the solid content concentration in the reaction solution reaches the desired level prior to the crystallization

step. Step (B) of the present claims, reciting "removing epichlorohydrin from said reaction solution and dissolving tris-(2,3-epoxypropyl)-isocyanurate in an organic solvent, wherein said solvent is acetonitrile, toluene, dioxane or dimethylformamide", is neither taught nor suggested in step (B) of Ikeda et al. The solvent referred to in column 4, lines 46-53 and column 8, lines 54-67 of Ikeda et al. is clearly used only for washing the crystals formed in step (E) of Ikeda et al. and not taught or suggested as a solvent for use in step (B) of Ikeda et al., because there is no solvent at all taught or suggested for use in step (B) of Ikeda et al.

The present specification discloses as an explanation of the prior art reference Ikeda et al. that the tris-(2,3-epoxypropyl)-isocyanurate obtainable by the conventional process of Ikeda et al. is known to contain α -form and β -form in a ratio of 3:1 (see page 6, lines 14-27 of the specification). In the present invention tris-(2,3-epoxypropyl)-isocyanurate containing α -form and β -form in a ratio of 3:1 is obtained in step (A) and then the isocyanurate is dissolved in a specific solvent listed in step (B), followed by the remaining crystallization and washing and drying steps. However, in step (B) of Ikeda et al. there is no dissolution of the isocyanurate in any solvent at all. Only in step (E) of Ikeda et al. the β -form crystals are washed with an organic solvent to remove impurities or α -form crystals attached on the surface of β -form crystals without changing the interior proportion of α -form and β -form crystals.

On the other hand, in the present invention, from crystals containing α -form and β -form in a proportion of 3:1, β -form crystals are precipitated from a specific solvent used to dissolve the isocyanate in step (B) of the present claims. Since epichlorohydrin as a reaction substrate and solvent in step (A) is removed in step (B) of the present claims, crystallization is carried out from the non-chlorine type solvent set forth in step (B) in the present claims and, therefore, chlorine-containing organic solvent, i.e., epichlorohydrin, will not be

incorporated in the crystallization step and crystals having the extremely low content of epichlorohydrin of at most 100 ppm, as set forth in the present claims, will be obtained.

Thus, since Ikeda et al teaches the use of an organic solvent like acetonitrile and dimethylformamide only in a washing step (E) and not in step (B) of the present claims to dissolve isocyanurate after the removal of epichlorohydrin, it is clear that the process steps of the present claims are different from the process steps of Ikeda et al. Further, the process of Ikeda et al does not produce crystals having a remaining epichlorohydrin content of at most 100 ppm, as recited in the present claims.

It is submitted that Claims 1, 2, 4-9, 11-18, 20-29 and 36-43 are allowable and such action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



22850

Tel: (703) 413-3000
Fax: (703) 413 -2220

I:\ATTY\REM\214907US-AM1.DOC

A handwritten signature in black ink, appearing to read 'Norman F. Oblon', written over a horizontal line.

Norman F. Oblon
Attorney of Record
Registration No. 25,599

Roland E. Martin
Registration No. 48,082